

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NATOMAS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011010248

ORDER DISMISSING ISSUE AND
VACATING EXPEDITED HEARING
DATE

On January 11, 2011, Student filed a Due Process Hearing Request (complaint), naming the Natomas Unified School District. On January 20, 2011, over the District's objection, the Office of Administrative Hearings (OAH) granted Student's motion to expedite a portion of the proceeding and set February 2, 2011 for a prehearing conference and February 8-10, 2011, for hearing on the expedited portion of Student's complaint, which is designated Issue No. 3.

On January 27, 2011, Student moved to "un-expedite" the hearing based on alleged changed facts, or in the alternative to dismiss Issue No. 3 without prejudice. The District did not oppose the dismissal of the issue, but argued that Issue No. 3 should be dismissed with prejudice due to alleged misconduct by Student's counsel.

On February 2, 2011, Administrative Law Judge Charles Marson conducted a telephonic prehearing conference (PHC). Tahnya Ballard, Attorney at Law, represented Student. Anne M. Sherlock, Attorney at Law, represented the District. The PHC was recorded. The motion to unexpedite the hearing or dismiss Issue No. 3 was argued.

Student's motion to dismiss Issue No. 3 without prejudice is granted. The District may file a motion to reconsider that order to the extent that it was made without prejudice, and may argue that it should have been made with prejudice.

The expedited hearing dates of February 8-10, 2011, are hereby vacated. All other dates remain on calendar.

IT IS SO ORDERED.

Dated: February 2, 2011

/s/

CHARLES MARSON

Administrative Law Judge

Office of Administrative Hearings